

Hearing Date: August 10, 2022

Objections Date: May 24, 2022

Reply Date: June 23, 2022

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

*Plaintiff-Applicant,*

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

*Defendant.*

Adv. Proc. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

*Debtor.*

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

*Plaintiff,*

v.

ASB BANK CORP.,

*Defendant.*

Adv. Proc. No. 11-02730 (CGM)

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF MOTION TO DISMISS THE COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Lucas B. Barrett dated March 25, 2022 and the exhibits thereto, ASB Bank Corp.'s Memorandum of Law in Support of Motion to Dismiss the Complaint dated March 25, 2022, and upon all prior pleadings and proceedings herein, defendant ASB Bank Corp. ("**ASB**"), will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012(b) of

the Federal Rules of Bankruptcy Procedure, on August 10, 2022, at 10:00 a.m. prevailing Eastern Time, before the Honorable Cecelia G. Morris, Chief Judge, for an order dismissing in its entirety the Complaint filed in this action by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (ECF No. 1).

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Stipulation and Order entered on December 27, 2021 (ECF No. 103), all papers responsive to ASB's Motion to Dismiss the Complaint shall be served and filed no later than May 24, 2022, and all reply papers in further support of ASB's Motion to Dismiss the Complaint shall be served and filed no later than June 23, 2022.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, ASB does not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York  
March 25, 2022

/s/Scott B. Schreiber

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